



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/711,407

09/16/2004

Scott A. Tucker

35010

5406

23589

7590

04/04/2008

HOVEY WILLIAMS LLP

10801 Mastin Blvd., Suite 1000

Overland Park, KS 66210

EXAMINER

LIU, ALAN Y

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

04/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/711,407	TUCKER, SCOTT A.	
	Examiner	Art Unit	
	ALAN LIU	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/18/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-34, as originally filed, are currently pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 2, 5-7, 9-12, 15-16, 22-23, 25, 27-29, 31, and 33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Saylor et al. (2004/0111370).**

As per claim 1, Saylor et al. discloses a method for short term loan processing to be utilized by a lender (page 12, paragraph 0112, via payroll advance account), the method comprising the steps of:

(a) receiving a loan request through a communications network (page 12, paragraph 0124, via setting up payroll advance account);

(b) approving the loan request utilizing computing equipment such that human involvement is not required to approve the loan request (page 12, paragraph 0124, via approval may take place automatically);

(c) depositing a loan amount into an account utilizing the computing equipment such that human involvement is not required to deposit the loan amount into the account (page 12, paragraph 0112, via payroll advance provides short-term credit available to the customer); and

(d) automatically withdrawing the loan amount and a loan fee from the account when additional funds are deposited into the account (page 12, paragraph 0112, via repayment occurs automatically with the next paycheck; page 12, paragraph 0127, via fees for the payroll advance account).

As per claim 2, Saylor et al. discloses the loan request is received through a web site (page 7, paragraph 0073, via whole system is implemented through software and web sites).

As per claim 5, Saylor et al. discloses the loan request is immediately approved by the computing equipment (page 12, paragraph 0124, via automatic approval).

As per claim 6, Saylor et al. discloses the loan amount is automatically withdrawn from the account by the computing equipment (page 12, paragraph 0112, via loans are paid automatically upon receipt of next paycheck).

As per claim 7, Saylor et al. discloses the account is a pre-existing account established with the lender (page 12, paragraph 0124, via setting up a payroll advance account).

As per claim 9, Saylor et al. discloses the loan amount is deposited into the account such that the deposited loan amount is immediately accessible through an ATM

card (page 12, paragraph 0112, via payroll advance provides short-term credit available to the customer; page 16, paragraph 0149, via using ATM card for a purchase or withdrawal).

As per claim 10, Saylor et al. discloses the additional funds correspond to a deposited paycheck (page 12, paragraph 0112, via repayment occurs automatically with the next paycheck).

As per claim 11, Saylor et al. discloses a method for short term loan processing to be utilized by a lender (page 12, paragraph 0112, via payroll advance account), the method comprising the steps of:

(a) establishing a loan account for a customer (page 12, paragraph 0124, via setting up a payroll advance account);

(b) providing the customer access to the loan account through an ATM card (page 16, paragraph 0149, via using ATM card for a purchase or withdrawal);

(c) receiving a loan request from the customer through a communications network (page 12, paragraph 0124, via setting up payroll advance account);

(d) approving the loan request immediately by utilizing computing equipment such that human involvement is not required to approve the loan request (page 12, paragraph 0124, via approval may take place automatically);

(e) depositing a loan amount immediately into the loan account utilizing the computing equipment such that human involvement is not required to deposit the loan amount into the loan account (page 12, paragraph 0112, via payroll advance provides short-term credit available to the customer); and

(f) automatically withdrawing the loan amount and a loan fee from the loan account by utilizing the computing equipment when additional funds are deposited into the loan account (page 12, paragraph 0112, via repayment occurs automatically with the next paycheck; page 12, paragraph 0127, via fees for the payroll advance account).

As per claim 12, Saylor et al. discloses the deposited loan amount is immediately accessible by the customer through the ATM card (page 16, paragraph 0149, via using ATM card for a purchase or withdrawal).

As per claim 15, Saylor et al. discloses the additional funds correspond to a paycheck deposited on a pay day (page 12, paragraph 0112, via repayment occurs automatically with the next paycheck).

As per claim 16, Saylor et al. discloses the pay day is verified by the computing equipment such that the customer is not required to accurately determine the date of the pay day (page 12, paragraphs 0112-0113, via payroll advance account is configured for fully automated repayment with the next paycheck).

As per claim 22, Saylor et al. discloses a computer program comprising a combination of code segments stored in a computer-readable memory and executable by a processor (page 7, paragraph 0073, via whole system is implemented through software and web sites), the computer program comprising:

a code segment operable to receive a loan request from a customer through a communications network (page 12, paragraph 0124, via setting up payroll advance account);

a code segment operable to approve the loan request such that human involvement is not required to approve the loan request (page 12, paragraph 0124, via approval may take place automatically);

a code segment operable to deposit a loan amount into an account such that human involvement is not required to deposit the loan amount into the account (page 12, paragraph 0112, via payroll advance provides short-term credit available to the customer); and

a code segment operable to automatically withdraw the loan amount and a loan fee from the account when additional funds are deposited into the account (page 12, paragraph 0112, via repayment occurs automatically with the next paycheck; page 12, paragraph 0127, via fees for the payroll advance account).

As per claim 23, Saylor et al. discloses the computer program includes a web-server operable to receive the loan request through the communications network (page 7, paragraphs 0075, via advanced messaging system, system is connected by a network).

As per claim 25, Saylor et al. discloses the loan amount is deposited into the account such that the deposited loan amount is immediately accessible through an ATM card (page 16, paragraph 0149, via using ATM card for a purchase or withdrawal).

As per claim 27, Saylor et al. discloses the additional funds correspond to a deposited paycheck (page 12, paragraph 0112, via repayment occurs automatically with the next paycheck).

As per claim 28, Saylor et al. discloses an automated system for short term loan processing to be utilized by a lender (page 12, paragraph 0112, via payroll advance account), the system comprising:

a connection element operable to connect the system to a communications network (page 7, paragraphs 0075, via advanced messaging system, system is connected by a network);

a computer-readable memory operable to store a combination of code segments and a database of loan accounts (page 9, paragraph 0082, via web, web application, communications, and database computers);

an input device operable to receive a loan request through the communications network (page 12, paragraph 0124, via setting up payroll advance account);

a processor operable to execute the combination of code segments and access the database to approve the loan request such that human involvement is not required to approve the loan request (page 12, paragraph 0124, via approval may take place automatically);

a transfer device operable to immediately deposit a loan amount into an account and automatically withdraw the loan amount and a loan fee from the account when additional funds are deposited into the account (page 12, paragraph 0112, via payroll advance provides short-term credit available to the customer).

As per claim 29, Saylor et al. discloses the input device includes a web-server operable to receive the loan request through the communications network (page 7, paragraphs 0075, via advanced messaging system, system is connected by a network).

As per claim 31, Saylor et al. discloses the loan amount is deposited into the account such that the deposited loan amount is immediately accessible through an ATM card (page 16, paragraph 0149, via using ATM card for a purchase or withdrawal).

As per claim 33, Saylor et al. discloses the additional funds correspond to a deposited paycheck (page 12, paragraph 0112, via repayment occurs automatically with the next paycheck).

As per claim 34, Saylor et al. discloses the account is a pre-existing account established with the lender (page 12, paragraph 0124, via setting up a payroll advance account).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 3, 4, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. as applied to claims 1 and 11 above in view of Levine et al. (6,233,566).**

As per claim 3, Saylor et al. discloses all elements of the claimed invention, but fails to expressly disclose the loan request is received by electronic mail.

Levine et al. teaches a system, method and computer program product for online financial products trading where a loan request is sent through electronic mail (col. 3, lines 8-14).

From this teaching of Levine et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for short term loan processing of Saylor et al. to include that the loan request is received by electronic mail as taught by Levine et al. in order to provide more choices in sending loan requests.

As per claim 4, Saylor et al. discloses all elements of the claimed invention, but fails to expressly disclose the loan request is received by telephone.

Levine et al. teaches a system, method and computer program product for online financial products trading where a loan request is sent through telephone (col. 3, lines 8-14).

From this teaching of Levine et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for short term loan processing of Saylor et al. to include that the loan request is received by telephone as taught by Levine et al. in order to provide more choices in sending loan requests.

As per claim 13, Saylor et al. discloses the loan request is received through a web site (page 7, paragraph 0073, via whole system is implemented through software and web sites) but fails to expressly disclose the loan request is received through electronic mail or telephone.

Levine et al. teaches a system, method and computer program product for online financial products trading where a loan request is sent through electronic mail or telephone (col. 3, lines 8-14).

From this teaching of Levine et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for short term loan processing of Saylor et al. in order to provide more choices in sending loan requests.

6. Claims 8, 14, 26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. as applied to claims 1, 11, 22, and 28 above in view of Sinnott (2004/0010419).

As per claims 8, 14, 26, and 32, Saylor et al. discloses all elements of the claimed invention, but fails to expressly disclose the lender is an unconventional lender.

Sinnott teaches a method and apparatus for facilitating acquisition of prospective payoff information on an existing loan account where the lender is an unconventional lender (page 4, paragraph 0065, via loan servicer can be a private lender or company).

From this teaching of Sinnott, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for short term loan processing of Saylor et al. to include that the lender is an unconventional lender as taught by Sinnott because anyone can lend money.

7. Claims 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. as applied to claims 22 and 28 above in view of Examiner's Official Notice.

As per claims 24 and 30, Saylor et al. discloses all elements of the claimed invention but fails to expressly disclose the computer program and input device includes voice-recognition capabilities operable to receive the loan request by telephone.

Examiner takes Official Notice that it is old and well known in the art to use voice recognition with telephone communications. For example, voice recognition is necessary to provide automated services over a telephone.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for short term loan processing of Saylor et al. to include voice-recognition capabilities as taught by Examiner's Official Notice in order to automate the processing of the loan request.

8. Claims 17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. in view Mon (2002/005904).

As per claim 17, Saylor et al. discloses a method for short term loan processing to be utilized by a lender (page 12, paragraph 0112, via payroll advance account), the method comprising the steps of:

(a) establishing a loan account for a customer (page 12, paragraph 0124, via setting up a payroll advance account);

(b) receiving a loan request from the customer through a communications network (page 12, paragraph 0124, via setting up payroll advance account);

(c) approving the loan request immediately by utilizing computing equipment such that human involvement is not required to approve the loan request (page 12, paragraph 0124, via approval may take place automatically);

(d) depositing a loan amount immediately into the loan account utilizing the computing equipment such that human involvement is not required to deposit the loan amount into the loan account (page 12, paragraph 0112, via payroll advance provides short-term credit available to the customer); and

(e) automatically withdrawing the loan amount and a loan fee from the primary account by utilizing the computing equipment when additional funds are deposited into the primary account (page 12, paragraph 0112, via repayment occurs automatically with the next paycheck; page 12, paragraph 0127, via fees for the payroll advance account).

However, Saylor et al. fails to expressly disclose establishing a loan account for a customer by allowing the customer to provide a voided check corresponding to a primary account.

Mon teaches an apparatus and method for processing loans where a voided check is provided for a loan application (page 4, paragraph 0054).

From this teaching of Mon, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the a method for short term loan processing of Saylor et al. to include providing a voided check when establishing a loan account as taught by Mon for verifications purposes.

As per claim 20, Saylor et al. discloses the additional funds correspond to a deposited paycheck (page 12, paragraph 0112, via repayment occurs automatically with the next paycheck).

As per claim 21, Saylor et al. discloses the deposited loan amount is immediately accessible by the customer through an ATM card (page 16, paragraph 0149, via using ATM card for a purchase or withdrawal).

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. in view of Mon as applied to claim 17 above, and further in view of Levine et al.

As per claim 18, the Saylor and Mon combinations disclose the loan request is received through a web site (page 7, paragraph 0073, via whole system is implemented through software and web sites) but fails to expressly disclose the loan request is received through electronic mail or telephone.

Levine et al. teaches a system, method and computer program product for online financial products trading where a loan request is sent through electronic mail or telephone (col. 3, lines 8-14).

From this teaching of Levine et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for short term loan processing of the Saylor and Mon combination in order to provide more choices in sending loan requests.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. in view of Mon as applied to claim 17 above, and further in view of Sinnott.

As per claim 19, the Saylor and Mon combinations disclose all elements of the claimed invention but fails to expressly disclose the lender is an unconventional lender.

Saylor and Mon disclose all elements of the claimed invention, but fails to expressly disclose the lender is an unconventional lender.

Sinnott teaches a method and apparatus for facilitating acquisition of prospective payoff information on an existing loan account where the lender is an unconventional lender (page 4, paragraph 0065, via loan servicer can be a private lender or company).

From this teaching of Sinnott, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for short term loan processing of Saylor and Mon to include that the lender is an unconventional lender as taught by Sinnott because anyone can lend money.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dhar et al. (2002/0040339) discloses an automated loan processing system and method.

Greenwood et al. (2004/0267660) discloses a risk management system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LIU whose telephone number is (571)270-5113.

The examiner can normally be reached on Monday through Thursday, 8:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art
Unit 3691

AL